

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:14-cv-002-FDW**

**MICHAEL RAY KING,**

**Petitioner,**

vs.

**STATE OF NORTH CAROLINA,<sup>1</sup>**

**Respondent.**

**ORDER**

This matter is on Petitioner's "Motion to Appeal," (Doc. 5), the Court's prior Order dismissing Petitioner's petition brought pursuant to 28 U.S.C. § 2254 as an unauthorized, successive petition. Petitioner's motion is in the nature of a motion to alter or amend pursuant to Rule 59(e) of the Federal Rules of Civil Procedure.<sup>2</sup>

IT IS HEREBY ORDERED that Petitioner's Motion to Appeal is **DENIED** for the reasons given in the Court's Order dismissing Petitioner's petition.

Signed: April 15, 2014



Frank D. Whitney  
Chief United States District Judge



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<sup>1</sup> Because Petitioner is incarcerated at Franklin Correctional Center, the proper Respondent is the custodian of that facility.

<sup>2</sup> Because Petitioner has submitted a proposed Order by this Court granting his "Motion to Appeal," the Motion to Appeal is not construed as a Notice of Appeal to the Fourth Circuit Court of Appeals. See (Doc. No. 5-2).